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SUMMARY RECORD OF THE 591st MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 12 January 2000, at 10 a.m.

Chairperson: Mrs. OUEDRAOGO

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GE.00-40239 (E)

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 6) (continued)

Initial report of India (continued) (CRC/C/28/Add.10); (CRC/C/Q/IND/1 (list of issues); written replies of the Government of India to questions raised in the list of issues (document without a symbol distributed in the meeting room in English only))

1. At the invitation of the Chairperson, the members of the delegation of India resumed their places at the Committee table.

2. The CHAIRPERSON, referring to the list of issues (CRC/C/Q/IND/1), invited the delegation to reply to the outstanding questions from the previous meeting.

3. Mr. SABHARWAL (India) said that international treaties did not automatically take precedence over domestic legislation. In a 1997 judgement in a case on gender equality, the Supreme Court had stated that the Constitution was of sufficient scope to cover all aspects of gender equality. If difficulties arose in interpreting domestic legislation or where there was a void in the domestic legislation, reference was made to international conventions and standards, provided there were no inconsistencies with domestic legislation. In the absence of legislation, the Supreme Court would lay down the guidelines.

4. With regard to the problems some Bangladeshi refugee children had faced in obtaining Indian citizenship, an agreement had been signed with the Government of Bangladesh under which the refugees had returned to Bangladesh. He was unaware of any outstanding cases.

5. Mrs. RAO (India), referring to the question on the low percentage of birth registration, said that the 1969 Registration of Births and Deaths Act was applicable throughout the country. The problem had been recognized and there had been significant dialogue between the Government, international organizations, non-governmental organizations (NGOs) and organizations working in the interests of children, in an effort to correct the situation. It was a recognized fact that there was no uniformity in the organizational structure of the registration system. Consequently, the Registrar General had appointed village-level functionaries as "notifiers" who would provide the information to the relevant authority in the appropriate format.

6. Registration levels had no doubt been boosted by the polio immunization programme and the spread of the Integrated Child Development Services (ICDS) nationwide. However, the problem persisted, due mostly to the fact that parents in the poorer, illiterate sectors did not understand the importance of registering births. As a result, the Registrar General had begun a review of the system, involving not only government bodies but also civil society. There was obviously a need for public awareness campaigns, and guidelines had been laid down to streamline procedures. A computerization programme was in progress; it functioned solely at the state government level for the moment, but would be extended to the other levels in time.

7. Mr. SINHA (India), referring to the attacks on the dalits and corporal punishment in schools, acknowledged that there had been some cases of violence in certain parts of the country,

especially in Bihar. That situation reflected a long-standing struggle between the landed and the landless. It was not so much a question of police brutality as citizens taking the law into their own hands. The high levels of poverty in Bihar province had led to the formation of left-wing organizations which had gained strength over the years, with demands being made for higher wages and other legitimate requests. The landed had also organized themselves. Both sides had taken extreme positions, leading to instances of tension and violence. However, conflicts in most other regions had been resolved within the confines of constitutional law. The Government was aware of the need to prevent violation of poor people's rights and had sought to address that issue within the context of the law, and qualitative changes had in fact been observed over the years.

8. As to corporal punishment in schools, the federal Government was aware of the problem and had issued clear instructions to state governments and schools to ensure that children were treated appropriately within the school system. There had been a few cases of children being beaten in schools, but nothing on so wide a scale as to cause alarm.

9. Regarding protection of children's civil rights, there were admittedly problems, but the work of the media, the election of representatives for the dalits, in particular, and affirmative action to ensure that such groups secured high-ranking places in government had gone a long way towards satisfying the aspirations of those communities and protecting their civil rights.

10. Ms. AGGARWAL (India) said that the Ministry of Social Justice and Empowerment had instituted a programme, involving state bodies and educational institutions, to remove street children from the streets and protect them from abuse and exploitation. The Government had sought to shift the focus from slum children, so far the main beneficiaries, to orphans and the children of sex workers. The Government of India covered up to 90 per cent of the cost of each project, and 100 per cent in the Union Territories.

11. There had been no recent reported cases of police brutality towards street children, but NGOs and the media monitored the situation closely and notified the authorities whenever such violations took place. The Government had recently introduced a helpline to provide emergency assistance to abused children, and children could be entrusted to an associate organization for long-term care if necessary. Abused children could also lodge complaints with the National Human Rights Commission (NHRC).

12. With regard to the death of children in observation homes, he said such homes were duty-bound to investigate the deaths of children in their care. As to psychological assistance offered to street children, NGOs were free to structure programmes according to children's needs. Adoption was governed by the 1956 Hindu Adoption and Maintenance Act, and the Ministry of Social Justice and Empowerment had recently set up the Central Adoption Resource Agency (CARA). Guidelines had been set for adoption and placement agencies stipulating that precautionary measures were to be taken before inter-country adoption was approved.

13. Scavenging was prohibited by law. Libraries were accessible at all levels of the society, and mobile libraries visited villages on a weekly basis. In addition, most schools were granted funds to set up their own libraries.

14. Mrs. RAO (India), replying to a question on the prevention of children's access to harmful information, said that pornography was a clandestine activity, which limited its spread. Censorship was exercised over the different types of media. Social consensus and severe family pressure prevented that type of material from being disseminated publicly, as also did the efforts made by the police and other authorities.

15. Regarding welfare measures for the children of Jammu and Kashmir and of minorities in conflict areas, the Government had introduced schemes for the psychological and economic rehabilitation of victims of armed conflict. Financial assistance was provided, through a corporate fund set up by a council established in 1995 and by the state government, for vulnerable groups, including widows, girl students and the elderly. With regard to orphans, funds were used to provide sponsorship to residential schools, vocational training course preparation, scholarships and reimbursement of tuition fees. Six camps had been set up in Jammu and Kashmir to administer special treatment to those who had been injured or handicapped as a result of armed conflict. At the national level, a finance corporation had been established to organize loans for minorities to set up small businesses or for scholarships. Special educational programmes had also been introduced in regions which were heavily populated by minorities. A statutory minorities commission had also been established at the national level to oversee implementation of minority schemes, register complaints and advise the Government.

16. Mr. SINHA (India) said that articles 29 and 30 of the Constitution provided for the protection of the interests of minorities, in particular their right to establish and administer educational institutions. The Constitution also established safeguards for linguistic and religious minorities. Community development blocks, which fell under the Area Intensive Programme for Minorities and which had been identified as having a high proportion of linguistic and religious minorities, were offered support for the construction of school buildings, and some institutions had been equipped with computers and other modern facilities. There had been a few small-scale experiments to place the children of minorities in public elementary schools.

17. Mrs. RAO (India) said that the Ministry of Home Affairs had recently released funds to the government of Assam for assistance to persons displaced as a result of ethnic and other violence. A number of NGOs were involved in the effort. Money had also been provided for displaced children from Mizoram living in Tripura, based on the ICDS pattern. The Ministry of Social Justice and Empowerment had approved a residential school project for displaced children in Manipur. In the north-eastern states, about 200 schools in Tripura had been forced to close as a result of the violence, but schools in other areas were still functioning normally and strong efforts were being made to reopen schools in Tripura at the earliest opportunity.

18. It was the militant groups which recruited children under 18 for military purposes, thereby violating article 38 of the Convention. Every effort was being made to discourage the practice and to build up social pressure against it. A workshop on the Convention had recently been held in collaboration with the United Nations Children's Fund (UNICEF) and all the governments of the north-east states, and had been supported at the highest governmental levels. The authorities were taking steps to issue a declaration on the interests of children in those states. The central Government had taken all possible action with regard to missing children, with the

help of international agencies. Cases had been brought before the courts, and efforts were being made to obtain the release of children held captive. A recent investigation into complaints of army excesses had resulted in a court martial, but the case had been found to be groundless.

19. Mrs. KARP asked how the investigation had led to that decision.

20. Mrs. RAO (India) said she was unaware of the details, but assumed that the authorities had followed the procedures laid down in the relevant Act.

21. Ms. AGGARWAL (India), replying to a question by the Chairperson, said that violence among young people did not pose a serious problem in India, owing to the existence of a strong family structure. However, messages concerning peace and harmony were regularly dispatched through the media, and the authorities endeavoured to ensure that peace was maintained throughout the country.

22. The CHAIRPERSON invited members to put additional questions to the delegation, followed by questions on health and special protection measures.

23. Mr. DOEK requested information concerning the number of children cared for in private, as opposed to official, homes. He wished to know whether private homes received State financial support, whether they were subject to Government control, and whether periodic review was provided for such children, in accordance with article 25 of the Convention. He asked whether the guidelines on foster care contained qualitative criteria for foster families, and whether there was also a campaign to encourage families to offer to serve in that capacity. Did the authorities plan to ratify the Convention on Protection of Children and Cooperation in respect of Inter-Country Adoption?

24. He wondered why, despite the country's efforts, so little headway had been made in improving the persistent malnutrition situation in India, which most affected children in the scheduled tribes and castes. The authorities might seek technical assistance from the World Health Organization (WHO) in that connection.

25. He wished to know whether, in addition to legislation and guidelines, there were specific programmes to protect the right of asylum-seeking children to education, pursue the goal of family reunification and facilitate the return of displaced children to their homes. Such programmes would be particularly relevant to children living in the Tripura camps and to tribal children in Manipur.

26. More information on the actual functioning of the juvenile justice system would be welcome. It was important for the Committee to know whether it was the prosecutor, the judge, or both, who determined whether a child aged 7-12 was sufficiently mature to be prosecuted. He also wished to know how many children under 12 had been prosecuted and what types of punishment had been meted out to them. Since boys aged 16-18 could be dealt with as adults, it would be interesting to know the numbers involved and whether there were special jails, homes or detention centres for that age group.

27. Ms. EL GUINDI asked what measures were in place to ensure that children in detention were separated from adult prisoners, and whether services existed for children's recovery and rehabilitation. She would also like to know what kind of training concerning the provisions of the Convention was provided for professionals working with children, especially the police and employees in childcare institutions.

28. Mr. RABAH endorsed Mr. Doek's remarks concerning the lack of statistics relating to the types of crimes committed by juvenile offenders, and asked whether the legislation provided for any alternative punishment. He wished to know whether there were social workers in the care institutions, what post-institutional treatment was provided, whether there were any specific preventive measures for juvenile offenders, whether legal aid was provided at all stages of the proceedings and what role was played by NGOs.

29. He asked whether India, in addition to its action to prevent the abduction and sale of children, had entered into bilateral or multilateral agreements with neighbouring countries, which would provide the authorities with information about other countries' child-protection solutions. Did the fact that the kidnapping of children for purposes of begging and the sale of children for prostitution were listed as serious offences in the Penal Code mean that their sale for other purposes was acceptable?

30. Mrs. KARP asked what steps had been taken to discourage incest and early marriage. She wondered whether the system of compensation for child labour might not encourage parents to send their children out to work. Did the country have any plans to deal with the problem through a universal social security system? Turning to health, she expressed dismay at the suicide rate, especially among girls in rural areas. She asked what measures the authorities were taking to remedy the situation and whether any studies into its causes had been undertaken. She would also like to know whether treatment for trauma was available to children living in areas affected by violence or armed conflict.

31. She was disturbed by the fact that some 95 per cent of disabled children had no access to health services, and wondered what was being done to close the huge gap between the new legislation and the actual situation. She also inquired whether counselling services were available to adolescents, and what measures were in place to deal with the problem posed by the need for parental consent to medical treatment in the event of a conflict of interest.

32. While applauding the fact that primary education was free and compulsory, she asked whether there were any incentives for the poor and disadvantaged to progress to secondary education. Was non-formal education a provisional measure, for children who could not attend regular schools, or a permanent measure for solving the problem of working children? She was greatly concerned at the fact that children aged 16-18 were treated as adults in the criminal justice system. Further, it was discriminatory that all children under 18 were not equally protected. Were there plans to enlarge the protection system to cover all regions and ensure that all children received equal treatment under the juvenile justice system? On the subject of sex offences, she reiterated her question as to how boys were protected when no age of consent had been established for them. She asked what steps were being taken to stamp out corruption among law enforcers to ensure that children's rights were protected. She would also like to know the extent to which India's Plan of Action to Combat Trafficking and Commercial Sexual

Exploitation of Women and Children coincided with the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children, which recommended criminalization of the use of child-prostitute services.

33. She noted that work by children under 14 was prohibited only in "hazardous" occupations. Were there plans to extend that prohibition to employment which, while not physically hazardous, might affect the child's education and not be in his or her best interests?

34. Mrs. RILANTONO requested clarification of the disparity between the figures provided in the national survey on breastfeeding and those in the report of the Breastfeeding Promotion Network of India. The latter was discouraging, revealing that use of artificial milk during the first four months of a child's life had risen from 10.9 per cent to 55.3 per cent. She would also welcome clarification of the contradiction between the announcement by WHO of a polio-free world and India's expressed intention to eradicate polio by 2000. She asked whether the social security scheme covered employment alone or whether there was general social security. What types of programmes were covered by the new initiatives on "horizontal integration of programmes"? She had found no mention of family planning programmes for containing India's population explosion. She also wondered how the figure of 4,000 cases of child abuse, neglect or rape in 1997 had been arrived at.

35. With regard to the juvenile justice system, she asked whether there was any mechanism for determining the vulnerability of children under 16 years of age - whose families might have denied their right to education - before they were placed in the juvenile justice system. Concerning the elimination of child labour, there was still enormous poverty in India and some children needed to work in order to assist their families. She inquired whether there were any regulations for limiting the number of hours worked daily to four, more than which would affect a child's education. It was also important to obtain statistics on children working in the formal and informal sectors, as it was more difficult to supervise large numbers of children working in the informal sector.

36. Mr. FULCI observed that there were two aspects to the issue of breastfeeding: on the one hand, the need to encourage information about its advantages and challenge the negative impact of milk-substitute marketing and, on the other, the need to inform actual and potential AIDS victims of the possibility of transmission of the disease through breast milk. What steps were being taken to eliminate the impact of poor education on breastfeeding rates?

37. Refugee children were mainly from Sri Lanka, Tibet, Bangladesh and Myanmar, and an estimated 75,000 children had been born in India in the previous 10 years to Sri Lankan refugees. The focus of the Government's refugee policy was voluntary repatriation, but no information had been provided on forced repatriation. While India was cooperating with the Office of the United Nations High Commissioner for Refugees (UNHCR), that cooperation did not extend to Sri Lankan Tamils, some of whose camps were reported to be extremely cramped and unhygienic. He wished to know why UNHCR and NGOs had been denied access to them. He would also welcome comment on allegations of forced migration, especially of Bangladeshi and Sri Lankan children.

38. Children were often the main victims of armed conflict; NGOs and human rights activists had expressed concern about such children, particularly those in Jammu and Kashmir. Reports indicated that some 30,000 young people had been killed in conflicts in the past decade; many were tortured or sexually abused before being killed because of where they lived or the politics, religion or ethnic origin of their family. He requested more precise information on the measures being taken to promote the physical and psychological recovery and social reintegration of such children.

39. The Juvenile Justice Act defined a boy under 16 as a child; it followed that the death penalty was applicable to young men of 16 or over, which contravened the Convention. In July 1997, the Human Rights Committee had recommended that the Government end the application of the death penalty to minors. He requested up-to-date information on that issue. While India's participation in the International Programme on the Elimination of Child Labour (IPEC) was to be welcomed, the Programme covered fewer than 80,000 children. Moreover, according to independent sources, nearly half of all cases of child labour in the world occurred in India, which was an alarming figure. What other measures was the Government taking to tackle the problem?

40. Independent reports estimated that there were 400,000 sex workers below the age of 18 in India. Ritualized prostitution (the *Devadasi* system) was continuing in several southern states, especially in Dalit communities. According to some NGOs, between 5,000 and 15,000 girls were auctioned each year to urban brothels through the *Devadasi* system. What was the Government doing to end that practice?

41. Mrs. KARP said that, in one district in India, about 1,100 people, including many children, had died of malnutrition since 1993. Why had no action been taken by the federal Government or the states to remedy the situation? As a result of the recent flooding in Orissa, more than 10,000 people had died and thousands more were starving. She asked why the Government had failed to provide emergency help during the first 15 days of the crisis. Most "untouchables" were deprived of safe drinking water because upper-caste Hindus, fearing pollution of the water, prevented them from sharing village wells or pumps. What was the Government doing to address that problem? Children working as scavengers often died of skin diseases. Did the Government compensate the families of such children or help the children themselves to recover?

42. On a visit to India, she had seen a one-room school intended to cater for approximately 200 children; in good weather, some lessons were conducted outside under the trees, but where would the children be taught during the monsoon? Would such a school be included in the planned infrastructure development?

43. In some areas of rural India, upper-caste landlords often punished Dalit women by stripping them naked and parading them through the village. Owing to their fear of the landlords, the local police did not register complaints of such incidents. Was the Government aware of that problem and was it doing anything to resolve it?

44. Mr. DOEK, referring to paragraph 286 of the report, asked what progress had been made under the programme, launched in 1994, for withdrawing 2 million children from hazardous

working conditions. How effective was the implementation of the Child Labour (Prohibition and Regulation) Act? How many child labour inspectors were available to visit workplaces and what training did they undergo? The written reply to question 36 indicated that IPEC had been due to end in December 1997 and that efforts were being made to extend it to December 1999. Had the Government succeeded in extending it and, if not, was the Government doing the work previously covered by IPEC? As Mr. Fulci had said, it was important for the number of children covered by the programme to be increased. The Government's efforts to deal with the serious problem of child labour should be commended; however, what was the Government planning to do besides ratify the Worst Forms of Child Labour Convention? Were there any concrete plans aimed at making the elimination of the worst forms of child labour a reality, not just an aspiration?

45. The written reply to question 54 indicated that the situation of children in custody was constantly reviewed by probation and welfare officers. How many such officers were available to perform that role and how many children were in custody?

46. Mrs. MOKHUANE said she would appreciate further information on the measures adopted to integrate the subject of HIV/AIDS into the curricula of both the formal and non-formal education sectors. What had the Government done to address the problem of discrimination against HIV/AIDS sufferers by health-care professionals and to ensure that the condition of such patients was kept confidential? She would like to know what action had been taken to ensure coordination between different government departments in their efforts to deal with HIV/AIDS-related issues. What programmes were in place to address the problems of child prostitution, drug use by street children, and children orphaned as a result of AIDS? She would also like to know how information on HIV/AIDS prevention and care was disseminated to children and young people, what was being done to address gender-specific concerns related to HIV/AIDS and whether steps were under way to enact laws prohibiting HIV/AIDS-related discrimination.

47. Regarding public health-care issues, statistics showed a reduction in rates of maternal mortality and micronutrient deficiency, but both were still alarmingly high. The problems of low birth weight and low height of teenagers were not addressed in the report. Although access to health services had improved, the quality of care also needed to be enhanced. She asked whether studies had been carried out to ascertain whether people found health care services to be effective. Many children died from preventable diseases. She asked whether poverty relief programmes were in place to try to reduce the number of such deaths and, if so, how effective they were. Was the Government encouraging coordination between different health departments to improve the planning of health-care services? Policies relating to inclusive and child-focused education were necessary to prevent large numbers of children from dropping out of school as a result of health or social problems.

48. Regarding special protection measures, the violence in Kashmir was a cause for grave concern. Many people in Kashmir were taking the law into their own hands; had any studies been conducted to look at the reasons why people felt such action was necessary? The violence had led to the displacement of many children from school, and some schools were not operating. She asked what the Government was doing to remedy that situation, and what policies were in place to provide a safe family environment for the many children living on the streets in India.

49. The CHAIRPERSON asked what the rate of teenage pregnancies was and what measures were being taken to prevent such pregnancies and reduce the number of abortions. How were children born out of wedlock registered? How did children not recognized by their fathers obtain food coupons, as it was usually the father's responsibility to allocate such coupons to his children?

The meeting was suspended at noon and resumed at 12.15 p.m.

50. Mr. SINHA (India) said that his delegation shared the Committee's concern at the very high number of child workers in India. The Government's commitment to eliminating child labour could be traced back to the Constitution, which declared that children up to the age of 14 must be provided with free and compulsory education. Efforts to reduce the incidence of child labour were focused on implementing the right to education, as there was evidence to show that the number of child workers was negligible in states where most children attended school. It was important to draw a distinction between child labour in the agricultural and non-agricultural sectors: although most child workers were employed in the agricultural sector, it was much easier to tackle the problem in that sector because the wages paid to children were so small that families were more willing to make adjustments to allow the child to attend school. Moreover, owing to the seasonal nature of agricultural labour, most children employed in that sector actually worked for only a few days or weeks in the year. Child labour within organized industry presented a greater problem because the wages paid were higher. Nonetheless, consistent efforts were being made to tackle the problem in those districts and industrial sectors where the incidence of child labour was highest.

51. The NHRC had directed the Department of Education to work towards a consolidated plan of education for child workers. The non-formal education programme had been criticized by some members of the Committee because of the lack of resources allocated to it and the resulting low standards of educational achievement. The programme had in fact been revised. It was now called the Alternative and Innovative Education Programme; it focused on areas not served by formal schools and the level of investment per child was nearly as high as that in formal schools. The revised programme provided for "back-to-school camps" where children who had been taken out of the workforce followed an intensive four- or five-month teaching programme in order to enable them to re-enter school. Many districts with a large number of child workers were also covered by the District Primary Education Programme.

52. Despite the continuing concerns over child labour, it was felt that the efforts being made to eliminate it, combined with monitoring by the courts, were a move in the right direction. Moreover, several surveys conducted in the 1990s had shown that parental and community demand for better education provision had increased greatly since the 1980s. It was hoped that the fact that education was now a right would result in greater questioning of traditional thinking and thus a further increase in community demand for education. Another independent survey had found that, even in the most backward regions, the number of children who had never been enrolled in school had dropped from 52 per cent in 1986-87 to 19 per cent in 1996. However, much remained to be done in improving the quality of education and reducing drop-out and repetition rates.

53. It had been pointed out that, if access to primary education were improved, there would be a greater demand for secondary education. The 1986 National Policy on Education and the 1992 Programme of Action had focused both on secondary education and on vocational education at secondary and higher secondary levels. Both secondary and vocational education were undergoing a process of modernization and enrolment rates were increasing. Budgetary resources and support from NGOs continued to be vital to ensure that every child received a quality education.

54. Mr. SABHARWAL (India), said that India had been one of the first countries to join the IPEC programme in May 1992, when it had signed a memorandum of understanding with the International Labour Organization (ILO). However, a decline in core funding and donors' tendency to allocate funds to projects in the export industry, which was not the only area affected by child labour, had led the Government to discontinue the programme in January 1997. Discussions were currently taking place with ILO aimed at resuming the Programme with priority given to other areas, such as hazardous industries, where much work remained to be done.

55. On the subject of refugees, India's record with regard to protection for asylum seekers was second to none. Hundreds of thousands of refugees had been welcomed for many decades and solely national provision had been made for them without any international assistance. Refugees had been granted education rights, and there were no cases of expulsion or forced repatriation. In addition, there was no large-scale problem of separation of refugee children from their parents. Certain children had in fact been displaced from camps in the north-east of the country, but a number of schemes existed to assist them. With regard to UNHCR, he said that India was not party to the 1951 Convention relating to the Status of Refugees, as the conditions obtaining when the Convention had been formulated were very different from those existing currently. However, India's record was better than that of many of the signatories to the Convention.

56. With reference to the question of relief assistance for the victims of the Orissa cyclone, it was not true that the Government had failed to react for the first 15 days after the cyclone had struck. In fact, such assistance had been provided immediately in the form of food, medicine, clothing and shelter, details of which had been given to UNHCR.

57. The CHAIRPERSON invited the members of the Committee to ask additional questions and to make preliminary observations on the discussions with the delegation of India.

58. Mrs. KARP said that it was as difficult to formulate preliminary observations as it had been to analyse the situation prevailing in India. She expressed the hope that the Indian Government would examine the issues raised and take action in the relevant fields. Although there was much to be learned from a deeper consideration of those issues, there were many positive aspects to India's efforts to date. It was clearly committed to democracy, as had been demonstrated by its promotion of children's rights. Those rights were enhanced by the National Human Rights Commission, the National Commission for Scheduled Castes and Tribes and the national Constitution. A Department of Elementary Education had been established and a decision had been taken to set up a National Council for Children, which would act as an

independent authority with a mandate to investigate complaints. Considerable efforts had been made in regard to education, health, child labour, welfare and street children. A children's hotline had begun to operate, although a similar scheme was required in rural areas.

59. Despite the progress made, the Committee was well aware that India faced great problems owing to its size and multicultural nature. The country had an inherent system of castes, which were very prevalent in society and constituted an obstacle to the achievement of children's rights. The Committee was particularly concerned at the disparities existing between different regions and states. Given that the federal Government had ratified the Convention on the Rights of the Child, it must ensure that no de facto discrimination existed against children as a result of their belonging to a particular state or region. Much remained to be done if all children throughout the country were to enjoy the same rights.

60. A holistic and integrated approach to the problems existing was clearly lacking. It was necessary to acknowledge the links between discrimination, based on the concepts of caste and tribe, and the phenomena of poverty, illiteracy, child labour, child prostitution and street children. Without a public education campaign designed to change people's attitudes, it would be very difficult to achieve children's rights. It was important for the Government to play a leadership role in invoking the provisions of the national Constitution and different international agreements. In addition, a public education campaign to eliminate de facto discrimination against different minority groups would be a sign of a mature democracy. Such a campaign would be supported by the introduction of human rights education in schools so that children understood their rights from the earliest possible age. Given the immensity of the problems existing, and of the country's population, an attempt should be made to tackle those problems via small units, for example at local government level. The Panchayati rights system was a good illustration of how to solve education-related problems. The system introduced should be coordinated with other authorities and involve the participation of NGOs in policy formulation and implementation.

61. The new principles incorporated in the Convention, regarding respect for children's rights and attitudes towards their best interests, required the introduction of guidelines and training. Children should be directly involved in the formulation of policies affecting them, and their opinions on the report submitted by the Indian Government should be sought. National legislation must be reviewed so as to ensure its compliance with the Convention, as well as with religious and traditional laws. The idea of a uniform Code for Children merited serious consideration, as existing national legislation dated from the nineteenth or mid-twentieth century. New legislation should be put in place and, more importantly, implemented. Such implementation required appropriate evaluation and support in the form of the necessary funding and human resources. The introduction of certain new education projects had given teachers and trainers new hope and optimism, while children had begun to become aware of the concept of equality. It was important to develop that concept through the provision of education for children from the earliest possible age, supported by adequate funding.

62. Mrs. MOKHUANE said that the report paid insufficient attention to psychosocial rehabilitation programmes, especially in the light of the facts disclosed regarding child and sexual abuse, discrimination, street children and other related phenomena. The report failed to address the problems of physical and mental disability or the need to respect the dignity of and

provide counselling for people infected with HIV. Although India faced serious challenges, it had nevertheless followed the reporting guidelines and had tried to amend its legislation and implement programmes for children. Notwithstanding, the report did not refer to the four main principles of the Convention. It did not explore the principles of child survival and development, and it did not refer to the best interests of children in relation to family environment and health, or the expression of children's views. It was important to address the issue of non-discrimination more fully, given that the lack of attention to that subject had led to problems regarding the national planning policy and resource allocation. Inter-ministerial coordination should be strengthened and greater efforts focused on the monitoring and implementation of the Convention.

63. Other problems remain to be addressed, such as housing, with particular regard to minorities and street dwellers, environmental health, comprehensive resettlement programmes, education and public health concerns, including the incorporation of an appropriate social component rather than the simple involvement of traditional groups of health professionals.

64. The CHAIRPERSON said that the Committee was aware of the considerable efforts made by India to implement the provisions of the Convention. However, despite the numerous positive aspects, greater attention must be paid to changing attitudes among the population. That would enable both domestic law and the Convention to be implemented more effectively. It would also allow the principles of democracy to be more fully extended to children's rights. An official request would be made to the Indian Government to notify its acceptance of the proposed amendment to article 43 (2) of the Convention, relating to the increase in the number of Committee members. Both the report and the Committee's concluding observations should be disseminated as widely as possible in India.

65. Ms. AGGARWAL (India) said that her delegation had noted the constructive suggestions made. She reiterated India's commitment to the principles of the Convention, which would enable it to move towards the goals stipulated. With reference to the implementation of legislation, the national Constitution provided guarantees of all fundamental human rights, including children's rights. National laws were reviewed periodically so as to adjust them to changing needs. Since national independence the Government had provided such guarantees to all citizens, assisted in its task by an active and vibrant civil society. In that regard, the media continued to play a prominent role. With regard to the many problems encountered, the situation of millions of people had been improved, but that of millions more left room for similar improvement. The Government was trying to universalize the concept of literacy and to ensure that newly created wealth was equitably distributed while high rates of growth were maintained.

66. With regard to the effects of the implementation of laws, she said that the Government had tried to adopt a form of deterrent punishment but that a punitive approach was not always the most effective method. That was particularly true in relation to the clash between social beliefs and the standards of modern civilization. The most important and appropriate tools were those of education, persuasion and sensitization. Changes in attitude were difficult to effect, but the Government hoped to continue the progress already achieved.

The meeting rose at 1.15 p.m.